

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN PAUL JOHNSON,

Plaintiff,

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Case No. [23-cv-02478-TSH](#)

ORDER TO SHOW CAUSE

Plaintiff John Paul Johnson filed this complaint on May 21, 2023, yet no proof of service of the summons and complaint has been filed. Further, although a case management conference was scheduled to take place on August 24, no case management statement was filed by the August 17 deadline. As such, the Court vacated the c.m.c. and ordered Plaintiff to file a status report by August 24. No response has been received.

“If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). The Court may also dismiss an action when a plaintiff fails to prosecute or to comply with a court order. Fed. R. Civ. P. 41(b). Accordingly, the Court **ORDERS** Plaintiff John Paul Johnson to show cause, in writing and no later than September 7, 2023, why this case should not be dismissed for failure to prosecute, failure to comply with court deadlines, and failure to serve within the time required by Rule 4(m). If a responsive declaration is filed, the Court shall either issue an order based on the declaration or conduct a hearing on September 14, 2023 at 10:00 a.m. by Zoom video conference. The webinar link and instructions are located at <https://cand.uscourts.gov/judges/hixson-thomas-s-tsh/>.

1 Notice is hereby provided that failure to file a written response will be deemed an
2 admission that Plaintiff does not intend to prosecute, and the case will likely be dismissed without
3 prejudice. Thus, it is imperative the Court receive a written response by the deadline above.

4 **IT IS SO ORDERED.**

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6 Dated: August 25, 2023

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8 THOMAS S. HIXSON
9 United States Magistrate Judge

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United States District Court
Northern District of California